Delhi is not a State. It is a UnionTerritory with an elected Legislative Assembly. The powers given to the Legislative Assembly of the National Capital Territory of Delhi are in consonance with the provisions of Constitution (69th Amendment) Act, 1991. In terms of Article 246 (4) of the Constitution, Parliament is competent and has over-riding powers to enact any law for the Union Territories on any subject mentioned in the 7th Schedule to the Constitution of India. Moreover, by virtue of specific provision under Article 239-AA 3a entries 1,2 and 18 of the State List and entry 64,65 and 66 of Concurrent List, insofar as they relate to entries 1, 2 and 18 have been reserved for Government of India. Entry 18 deals with subject of land. The Government of NCT of Delhi is not competent to legislate on matters relating to land, which is in the domain of Government of India.

The Delhi Development Authority is a creature of the statute called Delhi Development Act, 1957 and as long as the constitutional provision exists and the subject matter is in the domain of the Union Government, the administration of this Act, and the control of DDA will continue with the Government of India.

Keeping the above facts in view, the Resolution passed by the Delhi Assembly cannot be accepted by the Central Government The above said constitutional provisions relating to land matters are specific for NCT of Delhi. Since the other State Governments are competent to legislate on matters relating to land under their domain, development authorities in other States function under the respective State Governments.

Arbitrary Power of Estate Officers

*413. SHRI C.RTHIRUNAVUKKARASU: Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

(a) whether Government have issued new norms to limit the arbitrary use of powers by the Estate Officers for eviction from public premises;

(b) if so, the details thereof; and

(c) the reasons for formulating new norms?

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI ANANTH KUMAR): (a) No, Sir.

(b) and (c) Following receipt of several representations forwarded by Hon'ble Ministers/Members of Parliament as well a? Tenants Associations, alleging misuse of the provisions of the Public Pi^mises (Eviction of Unauthorized Occupants) Act, 1971 by some Public Sector Undertakings and Government Financial Organisations in evicting their*bona-fide* tenants, it was decided to set up an inter-Ministerial Committee, headed by the Director of Estates, to look into the complaints and make recommendations to avoid any misuse of the P.P. (E) Act, 1971 .The Committee after holding detailed discussions with all affected parties including representatives of the Tenants Action Committee and Officers from various Public Sector Undertakings and Government and Financial Organisations, had recommended notification of guidelines dated 14.1.1992 through a Government Resolution which has since been published in the Gazette of India on 8th June, 2002. A copy of the Government Resolution is annexed as Statement.

Statement

Copy of the Government Resolution

MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION

(DIRECTORATE OF ESTATES)

RESOLUTION

New Delhi, the 30 May 2002

Sub: Guidelines to prevent arbitrary use of powers to evict genuine tenants from public premises under the control of Public Sector Undertakings/financial institutions.

No. 21013/1/2000-Pol. I—The question of notification of guidelines to prevent arbitrary use of powers to evict genuine tenants from public premises under the control of Public Sector Undertakings/financial institutions has been under consideration of the Government for some time past.

2. To prevent arbitrary use of powers to evict genuine tenants from public premises and to limit the use of powers by the Estate Officers

appointed under Section 3 of the PP(E) Act, 1971, it has been decided by Government to lay down the following guidelines:—

(i) The Provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 [P.P.(E) Act, 1971] should be used primarily to evict totally unauthorised occupants of the premises of public authorities or subletees, or employees who have ceased to be in their service and thus ineligible for occupation of the premises.

(ii) The Provisions of the P.P.(E) Act, 1971 should not be resorted to either with a commercial motive or to secure vacant possession of the premises in order to accommodate their own employees, where the premises were in occupation of the original tenants to whom the premises were let either by the public authorities or the persons from whom the premises were acquired.

(iii) A Person in occupation of any premises should not be treated or declared to be an unauthorised occupant merely on service of notice of termination of tenancy, but the fact of unauthorised occupation shall be decided by following the due procedure of law. Further, the contractual agreement shall not be wound up by taking advantage of the provisions of the P.P.(E) Act, 1971. At the same time, it will be open to the public authority to secure periodic revision of rent in terms of the provisions of the Rent Control Act in each State or to move under genuine grounds under the Rent Control Act for resuming possession. In other words, the public authorities would have rights similar to private Landlords under the Rent Control Act in dealing with genuine legal tenants.

(iv) It is necessary to give no room for allegations that evictions were selectively resorted to for the purpose of securing an unwarranted increase in rent, or that a change in tenancy was permitted in order to benefit particular individuals or institutions. In order to avoid such imputations or abuse of discretionary powers, the release of premises or change of tenancy should be decided at the level of Board of Directors of Public Sector Undertakings.

(v) All the Public Undertakings should immediately review all pending cases before the Estate Officer or Courts with reference to these guidelines, and withdraw eviction proceedings against genuine tenants on grounds otherwise than as provided under these guidelines. The provisions under the P.P.(E) Act, 1971 should be used henceforth only in accordance with these guidelines.

3. These orders take immediate effect.

Sd/-

(VINEETA RAI)
Additional Secy.

HUOCO loan to Andhra Pradesh

*414. DR. DASARI NARAYANA RAO: Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

(a) whether HUDCO has provided loans to Andhra Pradesh Government for construction of dwelling units, upgradation of such units and development of plots in the State;

(b) if so, the details thereof for the last three years, year-wise;

(c) the results achieved therefrom;

(d) the backlog of dwelling units to be constructed by the State; and

(e) the action being taken to ensure timely completion of housing activities in the State?

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI ANANTH KUMAR): (a) and (b) Yes, Sir. Housing and Urban Development Corporation Ltd. (HUDCO) during the last three years has given a total loan of Rs. 1369.82 crore to various housing agencies in the State of Andhra Pradesh for construction/upgradation of